

COUNTY OF JEFFERSON )  
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STATE OF MISSOURI )

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

STATE OF MISSOURI ex rel. )  
JEREMIAH W. (JAY) NIXON, )  
ATTORNEY GENERAL, )

Plaintiff, )

Case No.:

vs. )

Division:

KAREN WILSON, )  
FRANK WILSON, AND )  
GUYS N DOLLS KENNELS, )

Serve at: 2725 Old Sugar Creek Rd. )  
Fenton, MO 63026 )

Defendants. )

***PETITION FOR EQUITABLE RELIEF, RESTITUTION,  
CIVIL PENALTIES AND OTHER RELIEF***

Plaintiff, the Attorney General of the State of Missouri, Jeremiah W. (Jay) Nixon, in his  
official capacity, by his Assistant Attorney General Elizabeth P. Schott, states the following:

**INTRODUCTION**

1. Defendant Karen Wilson previously owned and operated Guys N Dolls Kennels in  
Fenton, Missouri. Defendant breeds and sells several types of dogs.

2. Defendant Guys N Dolls is registered as a fictitious name with the Missouri Secretary of State.
3. Defendant Guys N Dolls Kennels is located at 2725 Old Sugar Creek Road, Fenton, Missouri. This location is also the personal residence of defendants Karen and Frank Wilson.
4. Defendant Frank Wilson is the husband of defendant Karen Wilson and owned and operated the Guys N Dolls kennel in Fenton with his wife.
5. Jeremiah W. (Jay) Nixon is the duly elected, qualified and acting Attorney General of the State of Missouri and brings this action in his official capacity pursuant to his common law, constitutional, and statutory authority, including but not limited to Chapters 27 and 407 of the Missouri Revised Statutes (as amended), and regulation promulgated thereunder.
6. The American Kennel Club (AKC) is a registry for purebred dogs. In order for a dog to compete in AKC sponsored events or produce litters that may be AKC registered, the dog must be registered with the AKC. In order for a dog owner to register his or her dog with the AKC, the breeder must have first registered the litter of puppies. Dogs that are AKC registered may be considered more valuable because their purebred pedigree can be documented.
7. Defendants have violated section 407.010 of the Missouri Merchandising Practices Act by advertising, stating, selling and otherwise misrepresenting that the puppies for sale are registered with the AKC when they are not.

8. On Tuesday, November 12, 2002, Department of Agriculture officials executed a search warrant on Guys N Dolls Kennels and seized approximately 90 dogs due to poor living conditions.

### **JURISDICTION AND VENUE**

9. This Court has jurisdiction over the subject matter of this action pursuant to Chapters 27 and 407 of the Missouri Revised Statutes (as amended), and Article V of the Missouri Constitution.

10. Section 407.100.1-3 RSMo provides:

1. Whenever it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in any method, act, use, practice or solicitation or any combination thereof, declared to be unlawful by this chapter, he may seek and obtain, in an action in a circuit court, an injunction prohibiting such person from continuing such methods, acts, uses, practices or solicitations or any combination thereof, or engaging therein, or doing anything in furtherance thereof.

2. In any action under subsection 1 of this section, and pursuant to the provisions of the Missouri Rules of Civil Procedure, the attorney general may seek and obtain temporary restraining orders, preliminary injunctions, temporary receivers and the sequestering of any funds or accounts if the court finds that funds or property may be hidden or removed from this state or that such orders or injunctions are otherwise necessary.

3. If the court finds that the person has engaged in, is engaging in, or is about to engage in any method, act, use, practice or solicitation, or any combination thereof, declared to be unlawful by this chapter, it may make such orders or judgments as may be necessary to prevent such person from employing or continuing to employ or to prevent the recurrence of, any prohibited methods, acts, uses, practices or solicitations, or any combination thereof, declared to be unlawful by this chapter.

10. This Court has personal jurisdiction over the defendants pursuant to section 506.500 RSMo.
6. 11. Venue lies in the Circuit Court of Jefferson County in that the violations of the Missouri Merchandising Practices Act described herein occurred, among other places, in Jefferson County in the State of Missouri. Section 407.100.7 RSMo.

### **THE MISSOURI MERCHANDISING PRACTICES ACT**

12. Section 407.020 provides, in pertinent part:

The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the State of Missouri, is declared to be an unlawful practice.
13. Section 407.010 (4) defines “Merchandise” as “any objects, wares, goods, commodities, intangibles, real estate or services.”
14. Section 407.010(6) defines “Sale” as any sale, lease, offer for sale or lease, or attempt to sell or lease merchandise for cash or on credit;
15. Section 407.010(7) defines “trade” or “commerce” as the “advertising, offering for sale, sale, or distribution , or any combination thereof, of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated. The terms “trade” and “commerce” include any trade or commerce directly or indirectly affecting the people of this state.”

### **DEFENDANTS' TRADE PRACTICES**

16. Defendants regularly advertised AKC registered puppies for sale in the St. Louis Post Dispatch.
17. Defendants have placed approximately fifty (50) ads in the St. Louis Post Dispatch since January 2001 for AKC registered dogs.
18. Defendants have placed ads for several breeds of puppies including, Scottish Terriers, Shih Tzu's, and Wire Fox Terriers.
19. Missouri consumers have responded to defendants' ads for puppies by contacting defendant Karen Wilson.
20. Defendant Karen Wilson has stated to potential puppy buyers that the puppies are registered with the American Kennel Club.
21. Defendants restated to potential buyers that the puppies were registered with the AKC at the time potential buyers viewed the puppies.
22. Missouri consumers purchased puppies from defendants based on defendants' misrepresentations that the puppies were registered with the AKC.
23. Sixteen consumers have filed complaints with the Attorney General's office and/or the Better Business Bureau regarding puppies purchased from defendants. These consumers reported that the defendants repeatedly provided excuses for the delay in AKC paperwork and that many of the dogs purchased had health problems.

24. Defendants repeatedly misrepresented to puppy buyers that the AKC papers were being processed.
25. Defendants ignored consumers' requests for paperwork by failing to return phone messages, hanging up on consumers and even slamming doors in consumers' faces.
26. When consumers contacted the AKC about the registration paperwork for the dog they purchased from defendants, they were informed that defendant Karen Wilson did not register the litter of puppies.
27. Missouri consumers who have filed complaints with the Attorney General's office have spent approximately \$5000 on puppies the defendants led them to believe were AKC registered by the defendants.
28. Up until November 12, 2002 when defendants' dogs were seized by the Department of Agriculture for living conditions, defendants continued to advertise and sell puppies that were misrepresented as AKC registered.

### **RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests this Court to enter a judgment against Defendant providing at least the following forms of relief:

1. Finding that defendants violated the provisions of section 407.020 RSMo by misrepresenting puppies sold to Missouri consumers as AKC registered when in fact they were not;
2. Permanently enjoining, pursuant to section 407.100, defendants and defendants' employees, agents, successors, assignees, and all other persons acting in concert or participation with defendants, from engaging in unlawful merchandising practices,

including prohibiting defendants from advertising and selling dogs as AKC registered when the dogs are not registered;

3. An Order, pursuant to section 407.100 RSMo, requiring defendants to pay restitution in an amount to compensate any and all persons who have suffered ascertainable loss, including, but not limited to, any moneys or property, real or personal, which defendants may have acquired by means of any method, act, use, practice or solicitation, or any combination thereof, declared to be unlawful under Chapter 407. Such restitution order shall require defendants to pay the ordered restitution to the Missouri Merchandising Practices Restitution Fund;
4. An order requiring defendants to pay to the credit of the Missouri Merchandise Practices Revolving Fund, an amount equal to ten percent of the total restitution awarded, pursuant to section 407.140.3 RSMo;
5. An Order requiring defendants to pay, as a civil penalty, the amount of One Thousand Dollars (\$1,000.00) for each and every violation of section 407.020 RSMo, pursuant to section 407.100.5 RSMo;
6. An Order requiring defendants to pay to Plaintiff an amount equal to the costs of the investigation and prosecution of this action, including the reasonable market value of attorney and investigator time incurred in investigation and prosecution of this action and the costs of administering the restitution fund for payments to consumers as requested above, as provided by section 407.130 RSMo;
7. An Order requiring defendants to pay all court costs incurred in this cause of action, as provided for by section 407.130 RSMo;

8. And all such additional and further orders as this Court deems just or otherwise appropriate.

Respectfully Submitted,

JEREMIAH W. (JAY) NIXON  
Attorney General

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